

REMARKS

The present application was filed on May 24, 2001 with claims 1 through 26. New claims 27-31 were added in the Amendment and Response to Office Action dated December 2, 2004. Claims 1 through 31 are presently pending in the above-identified patent application. Claims 1, 11, 17, and 20-27 are proposed to be amended herein.

In the Office Action, the Examiner rejected claims 1, 3-27, and 29-31 under 35 U.S.C. §102(e) as being anticipated by Whigham (United States Patent Number 6,584,309), and rejected claims 2 and 28 under 35 U.S.C. §103(a) as being unpatentable over Whigham.

Independent Claims 1, 11, 17 and 20-27

Independent claims 1, 11, 17, 23, and 27 were rejected under 35 U.S.C. §102(e) as being anticipated by Whigham. Regarding claims 1, 3-27, and 29-31, the Examiner asserts that Whigham discloses instructing said user to enter said provided token using a cellular telephone that has been previously associated with said user (see abstract; FIG. 1: elements 102, 114; FIG. 2: step 204; col. 5, line 60, to col. 6, line 6); and providing access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (see, Abstract; FIG. 1; FIG. 2: steps 206-216; col. 6, line 4, to col. 7, line 48).

First, Applicants note that Whigham is directed to purchasing “a product from an automatic vending machine.” (Col. 1, lines 7-8.) Whigham does *not* disclose or suggest *providing access to a user*. The independent claims of the present invention, as amended, are directed to *access control* methods and are therefore in a different art than Whigham.

Second, Whigham teaches various embodiments for inputting a vend code to a vending machine (col. 1, line 59, to col. 2, line 7). Whigham, however, does *not* disclose or suggest *instructing a user to enter the provided vend code into a cellular telephone or instructing said user to enter said provided token using said cellular connection*. In addition, Whigham does *not* disclose or suggest *instructing said user to dial a telephone number associated with said access control administrator using a cellular telephone that has been previously associated with said user to enter said*

provided token.

Finally, Whigham teaches that “identification can be made using **standard caller identification capabilities** of the telephone network 122.” (Col. 6, lines 40-42; emphasis added.) Whigham does not disclose or suggest (using) *a cellular telephone having a **serial number** previously associated with said user*. Independent claims 1, 20, 23, and 24, as amended, require *instructing said user to **enter said provided token into a cellular telephone** that has been previously associated with said user; and providing access to said user if said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a **serial number** previously associated with said user*. Independent claims 17, 22, and 26, as amended, require *instructing said user to **enter said provided token using said cellular connection**; and providing access to said user if said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a **serial number** previously associated with said user*. Independent claims 11, 21, and 25, as amended, require *instructing said **user** to dial a telephone number **associated with said access control administrator** using a cellular telephone that has been previously associated with said user to **enter said provided token**; and providing access to said user if said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a **serial number** previously associated with said user*. Independent claim 27, as amended, requires *receiving said provided token **from said user by entering said provided token into a cellular telephone** that has been previously associated with said user; and providing access to said user if said entered token matches said provided token and is received by entering said provided token into a wireless connection from a cellular telephone having a **serial number** previously associated with said user*.

Thus, Whigham does not disclose or suggest instructing said user to enter said provided token into a cellular telephone that has been previously associated with said user; and providing access to said user if said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a serial number previously associated with said user, as required by independent claims 1, 20, 23, and 24, as amended, does not disclose or suggest instructing said user to enter said provided

token using said cellular connection; and providing access to said user if said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a serial number previously associated with said user, as required by independent claims 17, 22, and 26, as amended, does not disclose or suggest
5 instructing said user to dial a telephone number associated with said access control administrator using a cellular telephone that has been previously associated with said user to enter said provided token; and providing access to said user if said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a serial number previously associated with said user, as required by
10 independent claims 11, 21, and 25, as amended, and does not disclose or suggest receiving said provided token from said user by entering said provided token into a cellular telephone that has been previously associated with said user; and providing access to said user if said entered token matches said provided token and is received by entering said provided token into a wireless connection from a cellular telephone having
15 a serial number previously associated with said user, as required by independent claim 27, as amended.

Dependent Claims 2-10, 12-16, 18, 19 and 28-31

Dependent claims 3-10, 12-16, 18, 19, and 29-31 were rejected under 35 U.S.C. §102(e) as being anticipated by Whigham, and claims 2 and 28 were rejected
20 under 35 U.S.C. §103(a) as being unpatentable over Whigham.

Claims 2-10, 12-16, 18-19 and 28-31 are dependent on claims 1, 11, 17, and 27, respectively, and are therefore patentably distinguished over Whigham because of their dependency from amended independent claims 1, 11, 17, and 27 for the reasons set forth above, as well as other elements these claims add in combination to their base
25 claim.

For at least the reasons set forth above, it is respectfully submitted that all of the pending claims, i.e., claims 1-31, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further
30 suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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